

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HO MYUNG MOOLSAN CO., LTD. and
HYUN- SONG KANG,

Plaintiffs,

-against-

MANITOU MINERAL WATER, INC., RAPHAEL
DRUG AND HEALTH CO., O-YOON KWON, NAM-IN
JHON, HANMI HOME SHOPPING COMPANY, NEW
JERSEY FLEA MARKET NEWS, NEW YORK FLEA
MARKET NEWS a/k/a WWW.FINDALLUSA.COM.
JOHN DOES 1 THROUGH 10 AND JANE DOES 1
THROUGH 10 AND ABC COMPANIES 1 THROUGH
100,

Defendants.

Case No. 07 CIV 7483 (RJH)

**NOTICE OF CROSS-MOTION
TO DISMISS**

PLEASE TAKE NOTICE, that upon the annexed affidavit of O-Yoon Kwon, sworn to on October 1, 2007, the affidavit of Myung Suk Lee, sworn to on September 27, 2007, the exhibits annexed hereto and upon the pleadings and proceeding heretofore had herein, the defendants will move this Court, at the United States District Court for the Southern District of New York, 500 Pearl Street, Courtroom 17B, New York, New York 10007, on the 11th day of October, 2007, at 9:00a.m., or as soon thereafter as counsel can be heard, for an Order pursuant to FRCP §12(b)(6) dismissing: (a) the plaintiffs' first and second causes of action as to all defendants except defendant Manitou Mineral Water, Inc.; (b) the plaintiffs' fourth cause of action as against all defendants; (c) the plaintiffs' fifth cause of action as against all of the defendants; and (d) the plaintiffs' sixth cause of action as against all of the defendants, together with such other and further relief as this Court deems

just and proper.

Dated: Lake Success, New York
October 1, 2007

Respectfully,

A handwritten signature in black ink, appearing to read "A. Kimler", written over a horizontal line.

By: Andrew A. Kimler, Esq. (AK-9861)
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